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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,311	05/01/2001	Ravesh Lala	RSW920010070US1	4707
7590 05/15/2006			EXAMINER	
Andrew M. Calderon Greenblum and Bernstein P.L.C. 1950 Roland Clarke Place Reston, VA 20191			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/846,311

Applicant(s)

LALA ET AL.

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-4,6-23 are pending. Claim 5 is cancelled.
2. Applicant's arguments in Pre-Appeal Brief filed on 3/06/06 is persuasive, therefore, the finality of that action is withdrawn. The Non- Final action is follow.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-23 are rejected under 35 U.S.C. 103 as being unpatentable over Beach et al [Beach 2002/0107738 A1] in view of Meyer et al [Meyer 6,915,271 B1].

3. As per claim 1, Beach discloses A method for enabling a web server to provide a commercial promotion [Beach, web site as service center provide coupons, 0022], comprising the acts of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase,0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035]; and

when a promotion that includes the qualifying value is present in the database, associating the qualifying value of the promotion with a module of selectively executable compiled web server code residing on a server's body of compiled code [Beach, POS computer 134 or Web server, 0025; the list of coupon items associate with the identifier

and list of items to purchase for coupon redemption, 0035; Fig 1] selecting the module of selectively executable compiled web server code [Beach , agent 138, Fig 1,0033] and

However Beach does not explicitly detail  
executing the module of selectively executable compiled web server code that provides the promotion wherein the associating is made by explicitly by pointers (i.e.: the reward value) that are included in terms of the promotions.

In the same endeavor, Meyer discloses a method and system for delivering redeeming dynamically and adaptively characterized promotional incentives on a computer network including Web servlet [Meyer, col 15 lines 44-62] and one or more visual representation, an associated product/service, pointers to related incentives [Meyer, col 34 lines 48-65]

Therefore it would be obvious to an ordinary skill in the art at the time the invention was made to incorporate the Web servlet including on more visual representation, an associated product/service, pointers to related incentives as taught by Meyer into the Beach's apparatus in order to utilize the Web server code.

Doing so would provide a dynamically display to consumer, redeeming and clearing promotional incentive whose characteristics are adaptively obtained as a function of one or more demographics, behavior history and other criteria.

4. As per claim 2, Beach-Meyer disclose A method for enabling a web server to provide a commercial promotion, comprising the acts of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase, 0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035];

when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value based on associating a module of selectively executable compiled web server code residing on a server's body of compiled code made explicitly by pointers that are included in terms of the promotion; and executing the module of selectively executable compiled web server code associated with the reward [Meyer, pointers, col 34 lines 48-65].

5. As per claim 3, Beach-Meyer disclose the module is associated with the reward value by a pointer of the pointers [Meyer, pointers, col 34 lines 48-65].

6. As per claim 4, Beach-Meyer disclose the pointer is in the database [Beach, database, 0035].

7. As per claim 6, Beach-Meyer disclose the act of advancing a promotion counter in response to executing the module [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

8. As per claim 7, Beach-Meyer disclose A method for enabling a web server to provide a commercial promotion, comprising the acts of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase,0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035];

when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active; and when the promotion that includes the qualifying value is active [Meyer, Active server pages, col 42 lines 42-58], determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

9. As per claim 8, Beach-Meyer disclose the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a start date [Beach, time limit, 0037].

10. As per claim 9, Beach-Meyer disclose the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a stop date [Beach, time limit, 0037].

11. As per claim 10, Beach-Meyer disclose the act of advancing a promotion counter in response to executing the module [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

12. As per claim 11, Beach-Meyer disclose a Programmable media containing programmable software for enabling a web server to provide a commercial promotion, the programmable software comprising the steps of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase,0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035]; and

when a promotion that includes the qualifying value is present in the database [Beach, the agent or program 138 on POS computer 134 and database 136 connected to Web service center via Internet, Fig 1], executing a module of selectively executable compiled web server code that provides the promotion [Meyer, web servlet, col 15 lines 44-62].

13. As per claim 12 Beach discloses a Programmable media containing programmable software for enabling a web server to provide a commercial promotion, the programmable software comprising the steps of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase,0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035];

when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value; and executing a module of selectively executable compiled code associated with the reward value [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

14. As per claim 13, Beach-Meyer disclose the module is associated with the reward value by a pointer [Meyer, pointers, col 34 lines 48-65].

15. As per claim 14, Beach-Meyer disclose the pointer is in the database [Beach, database 136, 0035].

16. As per claim 15, Beach-Meyer disclose the module is associated with the reward value implicitly [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

17. As per claim 16, Beach-Meyer disclose the act of advancing a promotion counter in response to executing the module [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].



18. As per claim 17, Beach-Meyer disclose Programmable media containing programmable software for enabling a web server to provide a commercial promotion, the programmable software comprising the steps of:

detecting a qualifying value of a commercial transaction [Beach, qualifying purchase, 0024; scanning product codes, 0025];

checking a database of promotions for presence of a promotion that includes the qualifying value [Beach, search a database to locate coupons, 0035];

when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active, and when the promotion that includes the qualifying value is active [Meyer, Active server pages, col 42 lines 42-58], determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value [Beach, the list of coupon items associate with the identifier and list of items to purchase for coupon redemption, 0035].

19. As per claim 18, Beach-Meyer disclose the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a start date [Beach, time limit, 0037].

20. As per claim 19, Beach-Meyer disclose the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a stop date [Beach, time limit, 0037].

21. As per claim 20, Beach-Meyer disclose the act of advancing a promotion counter in response to executing the module [Beach, modifying or reprogramming the POS computer, 0026]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al [Beach 2002/0107738 A1] in view of Meyer et al [Meyer 6,915,271 B1] and further in view of Simons et al [Simons 6,230,143 B1] .

22. As per claim 21, Beach-Meyer disclose the programmable software enables one of adding, ending and changing of the promotion [Beach, modifying or reprogramming the POS computer, 0026]

However Beach does not explicitly detail

by interacting with the database through a database **editor**.

In the same endeavor, Simons discloses a system and method for analyzing coupon redemption data using an editor extracts information from database to generate a coupon [Simons, abstract]

Art Unit: 2142

Therefore it would be obvious to an ordinary skill in the art at the time the invention was made to incorporate the database editor to generate fro changing the promotion. Doing so would adapt to the purchasing habits of the consumer [Simons, col 3 lines 7-12].

23. As per claim 22, Beach-Simons disclose creating and defining the promotion by entering the terms of the promotion into the database; and adding, ending or changing of the promotion by interacting with the database through a database editor [Simons, abstract].

24. As per claim 23, Beach-Simons disclose creating and defining the promotion by entering the terms of the promotion into the database and adding, ending or changing of the promotion by interacting with the database through a database editor [Simons, abstract].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell* can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

